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13 *Liaison Counsel for Plaintiff*

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 BRIAN D. GARTNER, derivatively  
17 on behalf of MUSCLEPHARM  
18 CORPORATION,

19 Plaintiff,

20 v.

21 BRAD PYATT, LAWRENCE S. MEER,  
22 DONALD W. PROSSER, RICHARD  
23 ESTALELLA, JEREMY R. DELUCA,  
24 MICHAEL J. DORON, CORY  
25 GREGORY, L. GARY DAVIS, JAMES  
26 J. GREENWELL, JOHN H. BLUHER,  
27 and DANIEL J. MCCLORY,

28 Defendants,

and

MUSCLEPHARM CORPORATION,

Nominal Defendant.

Case No.: 2:16-cv-00553

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
VOLUNTARY DISMISSAL**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

WHEREAS, there is currently a shareholder derivative action on behalf of nominal party MusclePharm Corporation, against certain of its current and former directors and officers pending before this Court;

WHEREAS, the parties hereby stipulate to the dismissal of the action under Rule 41 of the Federal Rules of Civil Procedure without prejudice;

WHEREAS, the parties agree that each party shall bear its own costs and expenses; and

WHEREAS, no defendant in this action has entered into a settlement with plaintiff in connection with this voluntary dismissal and neither plaintiff nor their counsel have received, nor will receive, any form of consideration from any defendant in exchange for the dismissal of this action.

IT IS HEREBY STIPULATED AND AGREED by the parties, through their respective counsel of record, as follows:

1. The action shall be dismissed without prejudice; and
2. Each party shall bear its own costs and expenses.

Dated this 14th day of November, 2016.

Dated this 14th day of November, 2016.

**McDONALD CARANO WILSON LLP**

**MUCKLEROY LUNT, LLC**

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*Attorneys for Richard Estalella,  
Michael J. Doron and Cory Gregory*

*Attorneys for Plaintiff Brian Gartner*

**ORDER**

**IT IS SO ORDERED.**

\_\_\_\_\_  
UNITED STATE DISTRICT JUDGE

DATED: \_\_\_\_\_

Respectfully Submitted by:

MUCKLERROY LUNT, LLC

By: /s/ Martin Muckleroy

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